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U.S. Patent Application Serial No. 10/822,211
Reply to Office Action dated January 17, 2007**Remarks:**

Applicants have read and considered the Office Action dated January 17, 2007 and the references cited therein. Reexamination and reconsideration are respectfully requested.

Claims 1, 3, 6, 11, 13 and 17 have been amended. Claims 10 and 21-60 have been cancelled without prejudice or disclaimer. New claims 61-80 have been added.

Support for amendments made can be found throughout the specification and drawings as originally filed. No new matter has been added to the present patent application by the present response.

1. Rejection of Claims 1 to 20 and 49 to 60 under 35 U.S.C. 102

Claims 1 - 20 and 49 - 60 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,681,947 to Kim *et al.* Claims 1 - 4 were also rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,934,546 to Markley.

As discussed below, Applicants respectfully assert that claims 1-9 and 11-20, as amended, are in condition for allowance and respectfully request withdrawal the rejections of these claims. The rejection of claims 10 and 49-60 are moot in view of cancellation of these claims.

Independent claim 1

Claim 1 is reproduced below with emphasis added to selected portions:

A threadless cap for closing a potable liquid bottle, the potable liquid bottle having a neck with an upper edge defining a discharge opening, said threadless cap comprising:

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a lid for overlying and sealing the discharge opening, said lid including a tension ring for retaining said cap on the neck of the bottle, said tension ring having an inwardly extending rib for engaging the neck of the bottle;

a skirt depending from said lid, said skirt including a line of weakness facilitating a manual tear of said skirt, said line of weakness extending along a portion of a perimeter of said skirt, said line of weakness including a portion extending across said tension ring to reduce a retaining force exerted by said tension ring on the neck of the bottle when a line of tear propagating as a result of a manual pull applied on said skirt extends across said tension ring; and

a tear stop for preventing the line of tear to propagate beyond said tear stop.

It is respectfully submitted that neither Kim nor Markley teaches or suggests a threadless cap for closing a potable liquid bottle, as recited in claim 1. In particular, neither Kim nor Markley teaches or suggests a threadless cap comprising a skirt including a line of weakness that (1) extends along a portion of a perimeter of the skirt and (2) includes a portion extending across a tension ring of the cap.

Kim describes a cap including a line of weakness that extends *upwardly from a bottom edge of the cap and onto a top of the cap* (emphasis added – see, for example, col. 1, lines 12 to 14; col. 2, lines 49 to 51; and col. 5, lines 37 to 40 and 58 to 61). Clearly, therefore, Kim does not teach or suggest a skirt including a line of weakness that extends along a portion of a perimeter of the skirt.

Since Kim's cap does not have a line of weakness that extends along a portion of a perimeter of the cap's skirt, it follows that Kim cannot possibly teach or suggest such a line of weakness which includes a portion extending across a tension ring of the cap.

Markley describes a cap including an internal locking bead and three score lines, which allow a user to tear the cap's skirt such that the skirt is entirely torn off except for a lift tab that

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remains to facilitate removal of the cap from a bottle neck (col. 1, lines 10 to 15 and 41 to 61; col. 2, lines 31 to 35; and col. 3, lines 17 to 27). None of Markley's score lines extends across the internal locking bead. Clearly, therefore, Markley does not teach or suggest a cap that comprises a skirt including a line of weakness that includes a portion extending across a tension ring of the cap.

It is thus apparent that neither Kim nor Markley teaches or suggests a threadless cap comprising a skirt including a line of weakness that (1) extends along a portion of a perimeter of the skirt and (2) includes a portion extending across a tension ring of the cap.

Accordingly, it is respectfully submitted that each of Kim and Markley fails to teach or suggest at least one element of claim 1. Thus, neither Kim nor Markley anticipates claim 1. Moreover, since neither Kim nor Markley anticipates claim 1, any combination of Kim and Markley fails to anticipate claim 1 or render claim 1 obvious. Withdrawal of the rejections of claim 1, which is believed to be in condition for allowance, is respectfully requested.

Dependent claims 2-9

Each of claims 2-9 depends on claim 1 and thus incorporates all of the elements of that base claim, including those shown above to be absent from Kim and Markley. Accordingly, for the same reasons as those presented above in respect of claim 1, the rejection of claims 2-9, which are believed to be in condition for allowance, is respectfully requested.

Independent claim 11

Claim 11 is reproduced below with emphasis added to selected portions:

A threadless cap for closing a potable liquid bottle, the potable liquid bottle having a neck with an upper edge defining a discharge opening, said threadless cap comprising:

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a lid for overlying and sealing the discharge opening, said lid including a tension ring for retaining said cap on the neck of the bottle, said tension ring having an inwardly extending rib for engaging the neck of the bottle; and

a skirt depending from said lid, said skirt including a line of weakness facilitating a manual tear of said skirt, said line of weakness extending along a portion of a perimeter of said skirt, said line of weakness including a portion extending across said tension ring to reduce a retaining force exerted by said tension ring on the neck of the bottle when a tear line propagating as a result of a manual pull applied on said skirt extends across said tension ring.

The above-emphasized elements of claim 11 mirror those discussed above in connection with claim 1. Thus, for at least the same reasons as those presented above in respect of claim 1, it is respectfully submitted that Kim neither teaches nor suggests a threadless cap that comprises a skirt including a line of weakness that (1) extends along a portion of a perimeter of the skirt and (2) includes a portion extending across a tension ring of the cap.

Accordingly, it is respectfully submitted that Kim neither teaches nor suggests at least one element of claim 11 and thus does not anticipate that claim. Therefore it is respectfully requested that the rejection of claim 11, which is believed to be in condition for allowance, be withdrawn.

Dependent claims 12-20

Each of claims 12-20 depends on claim 11 and thus incorporates all of the elements of that base claim, including those shown above to be absent from Kim. Accordingly, for the same reasons as those presented above in respect of claim 11, it is respectfully requested that the rejection of claims 12-20, which are believed to be in condition for allowance, be withdrawn.

2. Rejection of claims 21-48 under 35 U.S.C. 103

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Claims 21-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of International Application Publication WO 00/40474 by Clark. Claims 21-27 and 35-41 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Markley in view of Clark.

The rejections of claims 21-48 are moot in view of cancellation of these claims.

3. Patentability of New Claims 73-80

New independent claim 73 is reproduced below with emphasis added to selected portions:

A threadless cap for closing a water bottle, the water bottle having a neck with an upper edge defining a discharge opening, said threadless cap comprising:

a lid for overlying and sealing the discharge opening, said lid including a tension ring for retaining said cap on the neck of the bottle, said tension ring having an inwardly extending rib for engaging the neck of the bottle; and

a skirt depending from said lid, said skirt including:

a first weakness line segment below said tension ring and extending along said tension ring for at least half of a perimeter of said tension ring;

a second weakness line segment extending across said tension ring; and

a pull tab to initiate a tear which propagates along said first weakness line segment in order to partially separate said skirt from said lid and then along said second weakness line segment to rupture said tension ring and allow removal of said cap from the neck.

For reasons similar to those presented above in respect of claim 1, it is respectfully submitted that neither Kim nor Markley teaches or suggests a threadless cap comprising a skirt

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that includes (1) a first weakness line segment below a tension ring of the cap and extending along the tension ring for at least half of a perimeter of the tension ring and (2) a second weakness line segment extending across the tension ring.

Accordingly, new claim 73 is believed to patentably distinguish over the prior art and to be in condition for allowance. New claims 74-80 depend from new claim 73 and are thus also believed to be in condition for allowance.

CONCLUSION

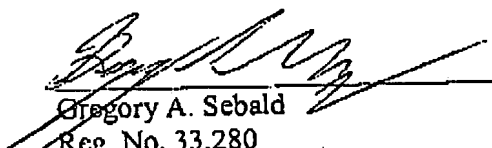
Claims 1-9, 11-20 and 61-80 are believed to be in condition for allowance. Favorable reconsideration is requested. Early allowance of the present patent application is earnestly solicited.

If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' representative at 612.336.4728.

Respectfully submitted,

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